

### REMARKS/ARGUMENTS

The claims are 1-9 and 11. Claim 1 has been amended to incorporate the subject matter of claim 10. Accordingly, claim 10 has been canceled. In addition, claims 3, 5 and 11 have been amended to improve their form. The Abstract has been amended and a new title has been provided as requested by the Examiner. Reconsideration is expressly requested.

The title of the invention was objected to as not descriptive and the Abstract of the Disclosure was objected to as failing to comply with U.S. practice. In response, Applicant has changed the title of the invention and has amended the Abstract. It is respectfully submitted that these changes overcome the objections to the Abstract and the title as set forth in the Office Action.

Claims 3-5 were objected to as being unclear for the reasons set forth on page 3 of the Office Action. In response, Applicant has, *inter alia*, amended claims 3 and 5 to improve their form.

Amended claim 3 makes clear that the depressions surround both flanges together such that one ring is formed when both clamp halves are put together for assembly of the valve. Amended claim 5 makes clear that each flange is configured to narrow conically towards the outside. It is respectfully submitted that these amendments overcome the Examiner's objections to claims 3-5, and Applicant respectfully requests that the objection on that basis be withdrawn.

Claims 1-5, 7 and 10 were rejected under 35 U.S.C. 102(b) as being anticipated by *Duncan U.S. Patent No. 3,737,144*. Claims 1-2, 5, 7 and 9-10 were also rejected under 35 U.S.C. 102(b) as being anticipated by *Nanz et al. U.S. Patent No. 4,653,725*. Alternatively, claims 3-5 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Duncan* in view of *Adamek et al. U.S. Patent No. 5,080,400* (if the claim language was construed so that the ring-shaped depressions that are beveled surround both flanges together). Claims 6 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Duncan* in view of *Holtgraver U.S. Patent No. 4,418,458*. Claim 9 was rejected as being

unpatentable over *Duncan* in view of *Nanz et al.*

Essentially the Examiner's position was that each of *Duncan* and *Nanz et al.* discloses the throttle flap valve and method recited in the claims, except for features which were said to be shown by the secondary references to *Adamek et al.* or *Holtgraver*.

In response, Applicant has amended claim 1 to incorporate the subject matter of claim 10 and respectfully traverses the Examiner's rejection for the following reasons.

As set forth in claim 1 as amended, Applicant's invention provides a throttle flap valve having an essentially ring-shaped, elastic seal element that surrounds an axial opening, having a valve disk disposed to rotate in the axial opening, crosswise to the axial direction. The throttle flap valve has means for turning the valve disk between the open and the closed positions to control a flow of fluid through the opening, has at least two valve housing parts that essentially surround the seal element in

ring shape, which surround two flanges connected with an inflow and an outflow. Conical contact surfaces of the flange and/or the valve housing parts work together in such a manner that the flanges are pressed axially against the seal element forming a seal by means of the valve housing parts in the assembled state ready for operation. The flanges are rigidly connected with the valve housing parts forming a positive lock, in each instance, and the flanges are shaped to have rotation symmetry. By providing a rigid connection of the flanges with the valve housing parts to form a positive lock, the axial forces that act on the seal element are essentially independent of the operating state of the system.

None of the cited references discloses or suggests a throttle flap valve having the structure recited in claim 1 as amended or teaches the benefits of that structure wherein the flanges are rigidly connected with the valve housing parts forming a positive lock, in each instance, and wherein the flanges are shaped to have rotation symmetry.

*Duncan* discloses a butterfly valve with a turnable disk within a resilient tubular seat member which forms part of a conduit. In contrast to Applicant's throttle flap valve as recited in claim 1 as amended, it is respectfully submitted that as shown in FIG. 4 of *Duncan*, the flanges 21 and 28 are not rigidly connected with the valve housing part 31 to form a positive lock. Rather, the connection is in only one axial direction, such that axial forces on the pipe system will act on the elastic seal element 5.

*Nanz et al.* discloses a butterfly valve having a housing formed from two stamped sheet parts. There is no disclosure or suggestion of a throttle flap valve, wherein the flanges are shaped to have rotational symmetry as recited in Applicant's claim 1 as amended.

The remaining references to *Adamek et al.* and *Holtgraver* cited with respect to the dependent claims have been considered but are believed to be no more pertinent. *Adamek et al.* discloses a tubular connector clamp designed to connect the mechanical

stresses in the connection. According to *Adamek et al.*, such reduction is achieved by the interaction of load shoulders of the clamp and of the conduits; however, in column 3, lines 3-9 of *Adamek et al.* it is stated that the dimensions and positioning of the load shoulders 25, 27 and 31, 33 will be selected so that when fully made up again a gap 39 exists between the flanks 29 and 34. This gap 39 assures that the desired amount of axial pre-load will be reached. If the flanks 29 and 34 each other, it would be possible for the connection to be fully made up without the desired amount of pre-load.

Thus, it is respectfully submitted that one skilled in the art would be discouraged from creating a positive lock as recited in Applicant's claim 1 as amended from the teachings of *Adamek et al.* Thus, one skilled in the art would not combine *Duncan* (or *Nanz et al.*) with *Adamek et al.* in an attempt to achieve Applicant's throttle flap valve as recited in claim 1 as amended.

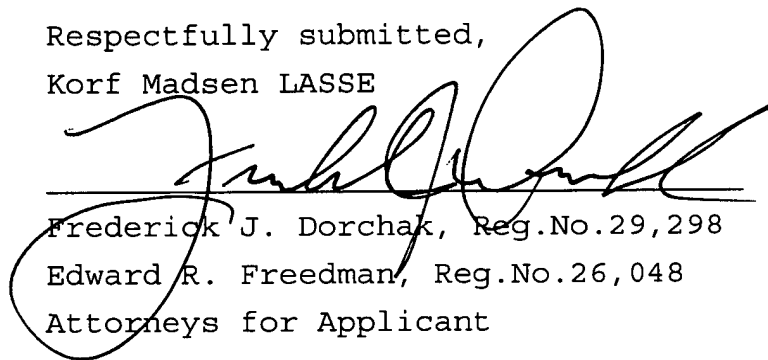
The remaining reference to *Holtgraver*, which has been cited to show the features of claims 6 and 8, is even further afield.

Although *Holtgraver* indicates that screws and nuts and a hand wheel are known, there is no disclosure or suggestion of a throttle flap valve as recited in Applicant's claim 1 as amended, wherein the flanges are rigidly connected with the valve housing parts forming a positive lock in each instance and wherein the flanges are shaped to have rotation symmetry.

Accordingly, it is respectfully submitted that none of the cited references, alone or in combination, discloses or suggest Applicant's invention as recited in claim 1 as amended, or in claims 2-9 and 11, which depend directly or indirectly thereon.

In summary, claims 1, 3, 5 and 11 have been amended, and claim 10 has been canceled. The Abstract and title have also been amended. In view of the foregoing, it is respectfully requested that the claims be allowed and that this application be passed to issue.

Respectfully submitted,  
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